

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8756 OF 2005

Diamond Tanneries .. Petitioner

Vs.

Mallikarjun Bhimashankar Upase
& Ors. ..Respondents

Mr.Pankaj J.Das for the petitioner

CORAM : S.U.KAMDAR, J
DATED : 22ND DECEMBER, 2005

P.C.:

. The impugned order challenged before me is rejecting the application for recasting the issues pending the appeal. I am of the opinion that application for recasting of an issue during the pendency of an appeal is misconceived. At the final hearing of an appeal if the appellate court feels that in the interest of justice and keeping in mind the controversies in the matter which are required to be resolved it may direct the recasting of an issue and limited fresh trial either before itself or before the trial court. At the present stage, I do not see any reason to interfere with the order passed by the District Judge, Solapur which is impugned herein refusing to recast issue. Petition is disposed of accordingly No order as to

costs.